

## Rancho Water's Dental Amalgam Compliance Program FAQs

In 2017, the Environmental Protection Agency finalized its [Dental Effluent Guidelines \(40 CFR 441\)](#) to reduce discharges of mercury from dental offices to municipal sewage treatment plants. The ruling came into effect on July 14, 2017. Compliance was date-specific and required adherence to certain specified Best Management Practices (BMPs). Dental facilities that were in existence prior to July 14, 2017 have until July 14, 2020 to comply, while facilities that started operations after the ruling took effect are required to comply immediately. In addition, dental facilities have until October 20, 2020 to submit a One-Time Compliance Report to the entity that treats the wastewater that its facilities discharge.

### Q: I practice as a part of a larger practice. Am I responsible for compliance?

A: The owner or operator of the registered managing practice is responsible for compliance.

### Q: Do I have to replace my existing separator?

A: If your separator was installed prior to June 14, 2017, you may continue to operate it until June 14, 2027 (even if it is not compliant). If your separator is compliant with either the ANSI/ADA Specification 108(2009) or ISO 11143, you will need not need to replace it. In either case, you still need to submit the Dental Compliance Form attesting to this.

### Q: If I submitted the Dental Compliance Form and there are changes at my facility (e.g., I replaced my amalgam separator or changed the total number of chairs in my facility), do I need to submit another report?

A: No. However, if you transfer the practice, the new owner must submit a One-Time Compliance Report. In addition, if your original report (under 40 CFR 441.50(a)(3)(i) certified that you only placed or removed dental amalgam in limited circumstances (checked the second box in the Applicability section of the form), but you have since changed your practice such that the certification is no longer accurate, a new One-Time Compliance Report should then be submitted that includes the information required (complete all sections of the form).

### Q: How long should the facility keep Dental Amalgam records?

A: In accordance with CFR 441.50, the One-Time Compliance Report must be maintained at all times and made available for inspection in either physical or electronic form. Maintenance and inspection records

for the dental amalgam recovery device(s) must be maintained for a minimum of 3 years and manufacturers' operating manual(s) must similarly be made available upon request.

### Q: What action will be taken if I fail to comply with the rule?

A: As this is a federal rule established to protect water bodies within the US, the EPA's position is that "failure to comply with the applicable standards and requirements would constitute a violation of the Clean Water Act and potentially, therefore, subject the industrial user, in this case the dental discharger, to federal, civil, and criminal penalties under Section 309 of the Clean Water Act."

In the event that the responsible party for the practice fails to submit the One-Time Compliance Report, Rancho Water has a number of measures that it may choose to employ, depending on the severity and duration of the non-compliance. These can range from an informal phone call to serving a Notice of Violation and Administrative Order with associated fines.